

Translation

PATENT COOPERATION TREATY  
**PCT**



**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**  
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

See Form PCT/IPEA/416

Applicant's or agent's file reference IEC040025PCT	<b>FOR FURTHER ACTION</b>	
International application No. PCT/CN2004/000996	International filing date (day/month/year) 27.AUG 2004 (27.08.2004)	Priority date (day/month/year) 28.AUG 2003 (28.08.2003)
International Patent Classification (IPC) or national classification and IPC IPC <sup>7</sup> A61K38/39 A61P1/04 A61P 1/16 A61P 35/00		
Applicant NANJING BESSON PHARMACY CO., LTD et .al		

- This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 3 sheets, including this cover sheet.
- This report is also accompanied by ANNEXES, comprising:
  - ☐ (sent to the applicant and to the International Bureau) a total of \_\_\_\_\_ sheets, as follows:
    - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
    - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplier Box.
  - ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic \_\_\_\_\_ containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplement Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

- This report contains indications relating to the following items:

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Box No. I | Basis of the report   |
| <input type="checkbox"/> Box No. II           | Priority  |
| <input type="checkbox"/> Box No. III          | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability          |
| <input type="checkbox"/> Box No. IV           | Lack of unity of invention  |
| <input checked="" type="checkbox"/> Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability |
|   | citations and explanations supporting such statement  |
| <input type="checkbox"/> Box No. VI           | Certain documents cited   |
| <input type="checkbox"/> Box No. VII          | Certain defects in the international application  |
| <input type="checkbox"/> Box No. VIII         | Certain observations on the international application   |

Date of submission of the demand  
23.MAY 2005 (23.03.2005)

Name and mailing address of the IPEA/CN  
The State Intellectual Property Office, the P.R.China,  
3rd Jimen Bridge, Haidian District, Beijing, China

Date of completion of this report  
03.NOV 2005(03.11.2005)

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## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/CN2004/000996

## Box No. I Basis of the report

## 1. With regard to the language, this report is based on:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rules 12.3(a) and 23.1(b))
- ☐ publication of the international application (Rule 12.4(a))
- ☐ international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

- ☒ the international application as originally filed/furnished
- ☐ the description:
- pages \_\_\_\_\_ as originally filed/furnished
- pages \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ the claims:
- pages \_\_\_\_\_ as originally filed/furnished
- pages \_\_\_\_\_ as amended (together with any statement) under Article 19
- pages \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ the drawings:
- pages \_\_\_\_\_ as originally filed/furnished
- pages \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

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## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/CN2004/000996**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement:**

Novelty (N)	Claims 1-10	YES
	Claims	NO
Inventive step (IS)	Claims 1-10	YES
	Claims	NO
Industrial applicability (IA)	Claims 1-10	YES
	Claims	NO

**2. Citations and explanations (Rule 70.7)****Reference is made to the following documents:**

D1: CN,C,1116880(HONGYU PHARM CO LTD LIAOYANG);

D2: JP, A, 8283665(KITA-N);

D3: KR,A,2001074322(CHOM-D);

**1. Novelty (Article 33(2)PCT)**

The embodiments of claims 1-10 of the present invention are not the same as the prior art.  
Claims 1-10 are novel under Article 33(2). PCT.

**2. Inventive step (Article 33(3)PCT)**

These claims 1-10 have inventive steps compared with the D1,D2 and D3, Which would have been not obvious to one of ordinary skilled in the art.

Claims 1-10 of the present application have inventive steps, meet the requirement of Article 33(3) PCT.

**3. Industrial applicability (Article 33(4)PCT)**

The present balloonfish collagen I extract can be used for preparing the medicines for treating or preventing the diseases, and the food for health.

Therefor, claims 1-10 meet the criteria set out for industrial applicability in Article 33(4) PCT.

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